

Before the
Federal Communications Commission
Washington, D.C. 20554

WT Docket No. 95-35

In the Matter of the

Application of

GEORGE E. RODGERS
Downingtown, Pennsylvania

For Amateur Station
and Operator Licenses

HEARING DESIGNATION ORDER

Adopted: March 31, 1995;

Released: April 12, 1995

1. Mr. George E. Rodgers has applied for renewal of his amateur service station and operator licenses. For the reasons stated below, his application will be designated for a hearing to determine whether the application shall be granted.

2. On April 26, 1994, Mr. Rodgers plead guilty to and was convicted upon four counts of violating Section 6301(a) [corruption of minors] of the Pennsylvania Criminal Code and upon four counts of violating Section 3126(a)(1) [indecent assault] of the Pennsylvania Criminal Code. *Commonwealth of Pennsylvania v. Rodgers*, Docket No. 2300-93 (Court of Common Pleas, Chester County, Pa.). The record in that case indicates that Mr. Rodgers attracted his victims through a common interest in amateur radio and that each victim was assaulted while spending a night at Mr. Rodgers' home to use his amateur radio apparatus. On November 9, 1994, the Court sentenced Mr. Rodgers to consecutive terms of imprisonment of three to six months for each count. Additionally, the Court ordered Mr. Rodgers to pay fines totalling \$200, costs, and restitution up to a total of \$20,303 (to pay for therapy for his victims).

3. In view of the criminal conviction described above, there is a substantial and material question whether Mr. Rodgers possesses the requisite qualifications for a renewal of his amateur service license. Certainly, his conviction for corrupting and indecently assaulting minors attracted through amateur radio is relevant to evaluating the likelihood that he will comply with the Commission's Rules as a licensee in the amateur service. See *Policy Regarding Character Qualifications in Broadcast Licensing*, 102 FCC 2d 1179, 1183 (1986), *recon.*, 1 FCC Rcd 421,424 (1986), *appeal dismissed sub nom. National Association for Better Broadcasting v. FCC*, No. 86-1179 (D.C. Cir. June 11, 1987), *as modified*, 5 FCC Rcd 3252, 3253 (1990) [to cover nonbroadcast licensees], *recon.*, 6 FCC Rcd 3448 (1991).

4. IT IS ORDERED, under Section 309(e) of the Communications Act of 1934, as amended ("Act"), 47 U.S.C. § 309(e), that the application of George E. Rodgers to renew his amateur station and operator licenses IS DESIGNATED FOR HEARING before an Administrative Law Judge at a time and location to be determined by subsequent order; and that the issues thereupon will be the following:

(a) To determine whether, in light of the facts determined in *Commonwealth of Pennsylvania v. Rodgers, supra*, George E. Rodgers is qualified to renew his amateur service licenses.

(b) To determine, in light of the foregoing issue, whether granting George E. Rodgers's application would serve the public interest, convenience and necessity.

5. IT IS FURTHER ORDERED that, under Section 309(e) of the Act, 47 USC § 309(e), the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant as to all issues.

6. IT IS FURTHER ORDERED that a copy of this Order shall be sent to the applicant by Certified Mail -- Return Receipt Requested -- and that, to avail himself of the right to an administrative hearing the applicant must file a notice of appearance, under Section 1.221 of the Commission's Rules, 47 C.F.R. § 1.221, with the Commission's Secretary no later than 20 days after the release of this order.¹

FEDERAL COMMUNICATIONS COMMISSION

Howard Davenport
Chief, Enforcement Division
Wireless Telecommunications Bureau

¹ The enclosed form may be used for this purpose.